

# Texas Administrative Law 2022 Case Law Update

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## Agency Authority

### *McClelland v. Tex. Health & Human Services Comm'n*

635 S.W.3d 410 (Tex. App.—Houston [1st Dist.] 2021, no pet.)

- Agency: Texas Health and Human Services Commission (HHSC)
- Statutes: 7 U.S.C. §§ 2014(b), 2015(d)(2)(B)
- Issue:
  - Did HHSC's discretion in its administration of the federal benefits program allow HHSC to limit the exemption to caregivers who are completely unable to work? Accordingly, can HHSC bar any possibility of McClelland being granted SNAP benefits as a work-exempt applicant, as McClelland works part-time?
- Holding:
  - Under 7 U.S.C. § 2015(d)(2)(B), any caregiver responsible for the care of an incapacitated person is exempted from the SNAP benefit program's work requirements." 7 U.S.C. § 2014(b) reinforces that no State agency shall impose any other standards of eligibility as a condition for participating in the program."
  - No. HHSC impermissibly imposed additional criteria beyond the applicable federal standard and based its decision on the inability to work at all due to care obligations—a legally irrelevant factor. HHSC acted arbitrarily and outside its discretion.

## *Pape Partners, Ltd. v. DRR Family Properties LP*

645 S.W.3d 267 (Tex. 2022)

- Agency: Texas Commission on Environmental Quality (TCEQ)
- Statutes: Tex. Water Code § 5.013
- Issue:
  - Does TCEQ's jurisdiction include the authority to adjudicate conflicting claims to ownership of surface-water rights?
- Holding:
  - TWC § 5.013(a)(1) grants TCEQ jurisdiction over "water and water rights including the issuance of water rights permits, water rights adjudication, cancellation of water rights, and enforcement of water rights. "Water rights adjudication" is a term of art. It does not grant TCEQ authority to decide conflicting claims, but relates to the Commission's issuance of certificates of adjudication.
  - No. TCEQ lacks jurisdiction to decide conflicting claims of ownership to surface-water rights and instead only has jurisdiction to issue certificates of adjudication after a judicial process determines property ownership.

## *Dyer v. Tex. Comm'n on Env'tl. Quality*

646 S.W.3d 498 (Tex. 2022)

- Agency: TCEQ; Railroad Commission of Texas (RRC)
- Statutes: Tex. Water Code §§ 27.015, 27.051(a)(2)
- Issue:
  - If RRC rescinds a no-harm letter prior to TCEQ granting the corresponding permit application, does the rescission deprive TCEQ of jurisdiction?
- Holding:
  - Section 27.051(a) of the Injection Well Act (IWA) states that TCEQ "may grant an application . . . and may issue the permit if it finds," among other things, "that no existing rights, including . . . mineral rights, will be impaired." Section 27.015(c) states that TCEQ "shall" make that finding as to oil or gas rights if RRC has issued a no-harm letter.
  - No. The rescission did not deprive TCEQ of jurisdiction. It was not an abuse of discretion by TCEQ to decline to reopen the administrative record to rehear evidence it had already considered because there was no explicit language found in the IWA indicating that the Legislature intended a rescission of a six-year-old no harm letter to void a TCEQ order permitting an application.

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